

#11

December 29, 2010

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	: Paul Baillargeon
Patent No.	: 6,265,983
Issue Date	: 07/24/2001
Application No.	: 09/408,798
Filed	: 09/30/1999
For	: FALL PROTECTION SYSTEM AND METHOD
Group Art Unit	: 2632
Senior Petitions Attorney	: Douglas I. Wood
Docket	: BAIPAU P01AUS

RECEIVED

JAN 12 2011

OFFICE OF PETITIONS

2010 DEC 30 PM 4:11

Mail Stop 16  
Director of the U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam,

**REQUEST FOR REFUND**

The Applicant requests a refund of maintenance and surcharge fees paid in the filing of (1) a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent and the filing of (2) a Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent. Neither of these petitions for the above noted application were renewed or granted.

The fees for (1) the Unintentionally Delayed Payment petition were paid by check #16461 and enclosed in a letter sent by Attorney Daniel J. Bourque dated December 17, 2009. This check was in the amount of \$3370.00 and included the 3.5 year maintenance fee for a small entity in the amount of \$490.00, the 7.5 year maintenance fee in the amount of \$1,240.00 and the surcharge fee of \$1,640.00. A copy of the petition and check is attached. In accordance with 37 C.F.R 1.378 (e), Applicant respectfully requests a refund of the maintenance and surcharge fees in the amount of \$3370.00.

In addition, the \$700.00 surcharge fee for the Unavoidably Delayed Payment was paid by Daniels Patent law PLLC in check #1348 with the filing of this petition on June 22, 2010. A copy of the most recently filed petition and check is enclosed. Again, in accordance with 37 C.F.R 1.378 (e), Applicant also respectfully requests a refund of the surcharge fee in the amount of \$700.

Our bank account information is provided for this refund as follows:

Laconia Savings bank  
62 Pleasant Street  
Laconia NH 03246  
Checking Acct. # 851052308  
Routing # 211770271

If there is any additional information required, the Official in charge of this matter is requested to please contact the undersigned.

Respectfully submitted,  
/sdaniels68/  
Scott A. Daniels, Reg. No. 42,462  
**Customer No. 84386**  
Daniels Patent Law PLLC  
43 Centre Street  
Concord, NH 03301  
Telephone (603)226-8610  
Facsimile (603)226-8611  
E-mail: scott@danielspatentlaw.com

Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**Docket Number (Optional)  
BAIPAU P01AUSMail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at  
(571) 272-3282.Patent Number: 6,265,983Application Number: 09/408,798Issue Date: 07/24/2001Filing Date: 09/30/1999CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent  
number (or reissue patent number, if a reissue) and (2) the application number of the actual  
U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s)  
is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_.**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class  
mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450 OR(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-  
8300.June 22, 2010

Date

/sdaniels68/

Signature

Scott Daniels

Typed or printed name of person signing Certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ 490.00	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1240.00	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 0.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

## 5. MANNER OF PAYMENT

- ☒ Enclosed is a check for the sum of \$ 700.00
- ☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_
- ☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

## 7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☒ Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

/sdaniels68/

Signature(s) of Petitioner(s)

June 21, 2010

Date

Scott A. Daniels

Typed or printed name(s)

42,462

Registration Number, if applicable

43 Centre Street

Address

603 226 8610

Telephone Number

Concord, NH 03301

Address

## ENCLOSURES:



Maintenance Fee Payment



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)



Other:

PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN  
AN EXPIRED PATENT UNER 37 CFR 1.378(B)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

/sdaniels68/

Signature

June 21, 2010

Date

Scott A. Daniels

Type or printed name

42,462

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Please see attached.

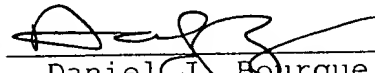
*(Please attach additional sheets if additional space is needed)*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Paul D. Baillargeon  
Serial No. : 09/408,798  
Filed : September 30, 1999  
For : FALL PROTECTION SYSTEM AND METHOD  
Examiner : N/A  
Attorney's Docket : BAILLAR-001AX

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-17-09.

By:   
Daniel J. Bourque, Esquire  
Registration No. 35,457  
Attorney for Applicant(s)

L E T T E R

3.5 YEAR MAINTENANCE FEE PAYMENT AND 7.5 YEAR MAINTENANCE FEE  
PAYMENT

MAIL STOP PETITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

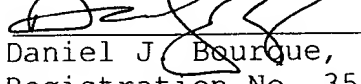
Enclosed herewith please find our check number 16461 in the amount of \$3,370.00. This check includes \$490.00 for the 3.5 year maintenance fees and \$1,240.00 for 7.5-year maintenance fees on Patent Number 6,265,983 issued on July 24, 2001 to Paul D. Baillargeon as well as and \$1,640.00 for the surcharge fee.

In re: appl: Paul D. Baillargeon  
Patent: 6,265,983  
Granted: July 24, 2001  
Serial Number: 09/408,798  
Filed: September 30, 1999

- [X] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 02-3285 for the cost of such extension.
- [X] The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 02-3285.

Respectfully submitted,

Paul D. Baillargeon

By   
Daniel J. Bourque, Esquire  
Registration No. 35,457  
Attorney for Applicant(s)

Bourque & Associates, P.A.  
835 Hanover Street, Suite 301  
Manchester, NH 03101  
Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

Date: 12-17-09



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

BAILLAR-001AX

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,265,983Application Number 09/408,798Issue Date July 24, 2001Filing Date September 30, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_

original application number \_\_\_\_\_

original filing date \_\_\_\_\_

☐


resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_

filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.89(a))**

I hereby certify that this paper (\*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

12-17-09  
Date

  
Signature

Daniel J. Bourque, Esquire

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ 490.00	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1,240.00	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1,730.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 3,370.00

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 02-3285

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## 7. OVERPAYMENT

As to any overpayment made please

OR

Credit to Deposit Account No. 02-3285

Send refund check

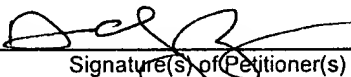
**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

  
Signature(s) of Petitioner(s)

Daniel J. Bourque, Esquire

Typed or printed name(s)

603-623-5111

Telephone Number

12-17-09  
Date

35,457

Registration Number, if applicable

Bourque and Associates, PA

Address

835 Hanover Street, Suite 301, Manchester, N.H. 03104

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES



Maintenance Fee Payment



Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)



**BOURQUE & ASSOCIATES, P.A.**  
835 HANOVER STREET STE. 301 PH. (603) 623-5111  
MANCHESTER, NH 03104



54-153/114

16461

> THREE THOUSAND THREE HUNDRED SEVENTY DOLLARS AND NO/100-----

PAY

DATE

Dec. 17, 2009

AMOUNT  
\$3,370.00

OTHER  
ORDER  
IF

UNITED STATES PATENT AND TRADEMARK OFFICE

  
AUTHORIZED SIGNATURE

Security features. Details on back.



**BOURQUE & ASSOCIATES, P.A.**

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16461

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B

Vendor: 1059-US Patent & Trademark Office  
Description: USPTO

Date: 06/22/2010  
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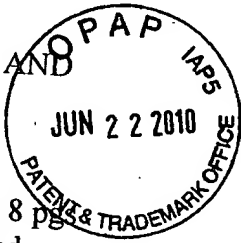
Amount: \$700.00  
Inv. #:

Account #	Firm Amount
52020.00	\$700.00

 1+800-328-0304

28055W

In re Appln. of: Paul Baillargeon  
For: FALL PROTECTION SYSTEM AND  
METHOD  
Docket: BAIPAU P01AUS



RECEIVED 5 pgs Form PTO/SB/65 8 pgs  
Petition to Accept Unavoidably Delayed  
Payment of Maintenance Fee 4 pgs Exhibit A,  
4 pgs Exhibit B, 1 pg Exhibit C, 1 pg Exhibit  
D, 9 pgs Exhibit E, and Check for \$700.00  
Date: June 22, 2010